

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,624 06/19/98 PHAN

D 7187

IM22/0301

EXAMINER

JAY A KREBS
THE PROCTER & GAMBLE COMPANY
WINTON HILL TECHNICAL CENTER
6100 CENTER HILL AVENUE
CINCINNATI OH 45224

PRATT, C

ART UNIT PAPER NUMBER

1771

DATE MAILED:

03/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Mail

Office Action Summary	Application No.	Applicant(s)
	09/100,624	PHAN, DEAN VAN
	Examiner Christopher C. Pratt	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on 04 February 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) 0 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on 2/4/00 is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) _____.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) Notice of References Cited (PTO-892)

15) Notice of Draftsperson's Patent Drawing Review (PTO-948)

16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-4

17) Interview Summary (PTO-413) Paper No(s) _____

18) Notice of Informal Patent Application (PTO-152)

19) Other: _____

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DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 2/4/00 have been entered and carefully considered. The objection to claims 1-8 is withdrawn in response to applicant's amendment. Applicant's amendment is also found to overcome the rejection of "whereby" as indefinite. Despite these advances, the amendments are not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 4, 2000 have been entered in the file as paper No. 6.

Claim Rejections - 35 USC § 112

4. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.

6. Claim 4 is rejected under USC 112 because the phrase "hydraulic connection," is found indefinite as set forth in sections 2-3 of the last office action. Applicant has not amended the claims to overcome the rejection. Applicant's arguments filed with Amendment A have been fully considered but they are not persuasive. Although applicant provides an accepted definition, the fact that several definitions are applicable to this phrase lends support to the confusion of the term as it appears in the claim. Also, a basis for applicant's definition can not be found within the specification.

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Applicant could successfully amend this phrase with a more specific reference to a "drainage," "water transport," or a "dewatering layer," as these terms are used in applicant's specification.

Claim Rejections - 35 USC § 102

7. Claims 1-8 are rejected under 35 USC 102(b) as being anticipated over Trokhan (5556509), as set forth in sections 4-5 of the last office action. Applicant has not amended the claims in an attempt to overcome the prior art rejection. Applicant's arguments filed with Amendment A have been fully considered but they are not persuasive. Applicant argues that Trokhan does not disclose a first lamina comprising the reinforcing structure with the patterned framework disposed thereon. The Examiner contends that based on figure 2, Trokhan discloses a reinforcing structure (240) with a patterned framework (250) disposed thereon. The Examiner interprets these two components, 240 and 250, to comprise a first lamina. The nonwoven batt of 240 is in fact reinforcing said patterned framework, as a reinforcing layer is a functional limitation and not a structural limitation. Applicant also argues that the claimed invention comprises two separate laminae joined in a face to face relationship. The Examiner contends that the order with which the laminae are assembled does not add any structure to the final product. Therefore, the order in which the individual laminae are assembled is irrelevant to the patentability of the product, as determination of patentability is based on the structure of the final product itself. The Examiner also

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contents that layers 240 and 244 (fig. 2) are joined in a "face to face" relationship. Said rejection is maintained from the last office action, despite applicant's traversal.

Claim Rejections - 35 USC § 103

8. Claims 9-25 are rejected under 35 USC 103(a) as being unpatentable over the cited patents of Trokhan (5556509) in view of Trokhan (5624790), as set forth in sections 6-7 of the last office action. Applicant has not amended the claims in an attempt to overcome the prior art rejection. Applicant's arguments filed with Amendment A have been fully considered but they are not persuasive. Applicant argues that there is insufficient motivation to combine the two references of Trokhan. As stated in the last office action, Examiner contends that there is clear and strong motivation to combine the reinforcing layer of Trokhan (5624790) with the dewatering felt of Trokhan (5556509). Such motivation comprising increasing the strength of Trokhan's (09) dewatering felt as well as extending its useful life (col. 12, lines 55-65 and col. 15, lines 33-36). Said rejection is maintained from the last office action, *citing from ('90)* despite applicant's traversal.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-308-2351 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Christopher C. Pratt
February 27, 2000



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700